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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,869	12/12/2001	Simon Blair Dobson	60130-1294/00MRA0564	6697
26096	7590	04/20/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			REDMAN, JERRY E	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,869

Applicant(s)

DOBSON, SIMON BLAIR

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) 2,6-16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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With respect to the applicant's recently filed information disclosure statement (paper #22), patents 5,095,659 and 5,902,004 have previously been cited and are therefore "crossed-out".

Claims 1, 4, 5, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 9, the applicant defines a seal which seals the manually actuable element to the trim panel, then in claim 4, defines the seal to seal the manually actuable element to the bezel and sealing the bezel to the trim panel, then in claim 5, the manually actuable element is sealed to the bezel by a portion of the seal, then in claim 17, defines the seal including an O-ring. Are all of these seals one in the same? It appears that there are at least two different seals. Furthermore, how can the seal "include" an O-ring? Is the seal an O-ring shape and how can an O-ring seal perform all of the claimed functions as defined in claims 1, 4, and 5?

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

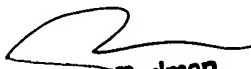
As best understood, claims 1, 4, 5, and 17 are further rejected under 35 U.S.C. 103(a) as being unpatentable over European patent to Queveau in view of Sekishiro et al. European patent to Queveau discloses a vehicle door assembly (1) having an outer door skin (2), an inner door panel (3), a trim panel (4) mounted adjacent to the inner

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door panel (3), a latch mechanism (8), a manually actuable element (97), and a bezel (96) secured to the trim panel (4). European patent to Queveau fails to disclose an O-shaped seal. Sekishiro et al. disclose an O-shaped seal (24, the specification of Sekishiro et al. disclose element 24 as being a grommet and Webster's Ninth New Collegiate Dictionary defines "grommet" as "an eyelet of firm material to strengthen or protect an opening or to insulate or protect something passed through it"). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the vehicle door assembly of European patent to Queveau with an O-shaped seal about the opening on the trim panel adjacent to the bezel and manually actuable element as taught by Sekishiro et al. since an O-shaped seal prevents moisture from entering the interior portion of the vehicle door assembly via the bezel and manually actuable element.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Palmerino discloses an actuable element and a bezel assembly similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.



Jerry Redman
Primary Examiner